

### REMARKS

This Amendment is submitted in response to the Office Action dated January 20, 2006. In the Office Action, the Patent Office rejected Claims 1-9 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Further, the Patent Office rejected Claims 1, 2, 4, 5, 6, 8 and 9 under 35 U.S.C. §102(e) as being anticipated by *Johnson* (U.S. Patent No. 6,572,238). Still further, Claims 1-20 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Johnson* in view of *Vella* (U.S. Patent Pub. No. 2005/005921).

By the present Amendment, Applicant amended Claims 1, 10 and 15. Applicant asserts that the amendment to independent Claims 1, 10 and 15 overcome the rejection made by the Patent Office and place the application in condition for allowance. Notice to that effect is requested.

With respect to the rejection of Claims 1-9 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention, Applicant respectfully submits that the rejection has been overcome by the amendment to Claim 1 and for the reasons that follow.

In the Office Action, the Patent Office alleges:

In Claim 1, lines 7-10, the phrase "a second sheet having a first planar side and a second planar side oppositely juxtaposed to one another wherein more than

one sheet align to create an image encompassing more than one of the garage door panels" is indefinite because it is unclear if the "more than one sheet align to create an image" refers to the first sheet or the second sheet.

Applicant amended Claim 1 to clarify that the first and the second sheet align to create an image. Therefore, Applicant submits that the rejection under 35 U.S.C. §112, second paragraph, has been overcome. Notice to that effect is requested.

With respect to the rejection of Claims 1, 2, 4-6, 8 and 9 under 35 U.S.C. §102(e) as being anticipated by *Johnson*, Applicant respectfully submits that the rejection has been overcome by the amendment to independent Claims 1 and for the reasons that follow.

In the Office Action, the Patent Office alleges:

*Johnson* teaches an illuminated decorative garage door panel system comprising a plurality of panels 3-6. Each panel has a partial portion of an overall image on its front surface, such as the Christmas tree seen in Figure 1 and a magnet on its rear surface for attaching the panel to a metallic garage door. See column 5, lines 7-21.

In addition, each panel has a receptacle 7 affixed to the front surface for holding lights 8 as part of the display. See column 4, lines 10-12.

Independent Claim 1, as amended, requires that the first thickness is greater than the second thickness. Further, Claim 1 requires that the first sheet and the second sheet have no wires and are not electrically connectable.

*Johnson* merely discloses a Christmas tree display cover for a door consisting of four panels 20-23, respectively. Each panel has receptacles extending through the front surface of the panel. In addition, *Johnson* discloses "[w]iring electrically connects the

receptacles." Col. 4, lines 12 and 13. Furthermore, the "wiring in each segment is connected by an adapter connector 10 to wiring in the other segments." Col. 4, lines 24-26.

Nowhere does *Johnson* disclose that the first thickness is greater than the second thickness as required by amended Claim 1. *Johnson* merely teaches that "magnets may also serve as an attaching means for garage doors." As illustrated in FIG. 4, *Johnson* teaches that the attaching means has a thickness less than a thickness of the imaged garage door cover which is opposite and contrary to Applicant's claimed invention as defined by Claim 1.

Moreover, nowhere does *Johnson* disclose that the first sheet and the second sheet have no wires and are not electrically connectable. On the contrary, *Johnson* discloses that the panels 20-23 align with wiring and electrically connecting the panels 20-23 to an adapter connector 10. Therefore, nowhere does *Johnson* disclose that the first sheet and the second sheet have no wires and are not electrically connectable as required by amended Claim 1.

Under 35 U.S.C. §102, anticipation requires that a single reference disclose each and every element of Applicant's claimed invention. *Akzo N.V. v. U.S. International Trade Commission*, 808 F.2d 1471, 1479, 1 USPQ 2d. 1241, 1245 (Fed. Cir. 1986). Moreover, anticipation is not shown even if the differences between the claims and the references are "insubstantial", and one skilled in the art could supply the missing elements. *Structure Rubber*

*Products Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 USPQ 1264, 1270 (Fed. Cir. 1984).

In view of the foregoing, since *Johnson* fails to disclose the structural elements defined by independent Claim 1, the rejection of Claim 1 under 35 U.S.C. §102(b) has been overcome and should be withdrawn. Notice to that effect is requested.

Further, the Patent Office states in paragraph 7 of the Office Action that "Claims 1-18 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Coleman* in view of *Vella*." However, the Patent Office does not mention *Coleman* in the Office Action. Instead, the Patent Office alleges in paragraph 9 that the obviousness rejection relates to *Johnson*. Furthermore, the Patent Office referred to Claims 15-20 in view of *Johnson* on paragraph 11. Applicant assumes that the Patent Office rejected Claims 1-20 under 35 U.S.C. §103(a) as being unpatentable over *Johnson* in view of *Vella*.

In the Office Action, the Patent Office alleges:

*Vella* teaches a magnetic pad for attachment to a garage door. The pad comprises a sheet having a first side having magnetic material thereon and a second side having graphics thereon. The graphic surface has colors applied by means of screen-print, digital print, paint, stencil, ink, or vinyl film. *Vella* also teaches a protective layer 60 on top of the graphic to protect the graphics from the environments.

With respect to Claims 15-20, the method limitation limitations are inherent from the teaching of *Johnson*.

Independent Claim 1, as amended, requires that the first

thickness is greater than the second thickness. Further, Claim 1 requires that the first sheet and the second sheet have no wires and are not electrically connectable.

Independent Claim 10 requires that the plurality of magnetic sheets are aligned without wires and without electrical connection between each of the plurality of magnetic sheets. Independent Claim 15 requires that the plurality of magnetic sheets have no wires and are not electrically connected.

*Vella* merely teaches a magnetic window or door facade. *Vella* merely teaches attaching a single magnetic sheet to a window or a door.

Neither *Johnson* nor *Vella*, taken singly or in combination, teaches or suggests that the first thickness is greater than the second thickness as required by Claim 1. *Johnson* merely teaches that "magnets may also serve as an attaching means for garage doors." As illustrated in FIG. 4, *Johnson* teaches that the attaching means have a thickness less than a thickness of the imaged garage door cover. *Vella* merely teaches that the magnetic pad 10 has a protective coating layer 60 on top of the graphical representation. Therefore, neither *Johnson* nor *Vella*, taken singly or in combination, teaches or suggests that the first thickness is greater than the second thickness as required by Claim 1.

Moreover, neither *Johnson* nor *Vella*, taken singly or in combination, teaches or suggests that the first sheet and the

second sheet have no wires and are not electrically connectable as required by Claim 1. Furthermore, neither *Johnson* nor *Vella*, taken singly or in combination, teaches or suggests that the plurality of magnetic sheets are aligned without wires and without electrical connection between each of the plurality of magnetic sheets as required by Claim 10. In addition, neither *Johnson* nor *Vella*, taken singly or in combination, teaches or suggests that the plurality of magnetic sheets have no wires and are not electrically connected as required by Claim 15. *Johnson* teaches away from the present invention as defined by Claims 1, 10 and 15. *Johnson* teaches display panels which are electrically connected. Col. 4, lines 12-16. *Vella* merely teaches a window facade having a single magnetic sheet attached to a door. In the Office Action, the Patent Office recognizes that *Vella* merely teaches "a sheet" having graphics. Therefore, neither *Johnson* nor *Vella*, taken singly or in combination, teaches or suggests the present invention as defined by Claims 1, 10 or 15.

Claims 2-9 depend from independent Claim 1; Claims 11-14 depend from independent Claim 10; and Claims 16-20 depend from independent Claim 15. These claims are further believed allowable over the references of record for the same reasons set forth with respect to their parent Claims 1, 10 and 15, respectively, since each sets forth additional structural elements and novel steps of Applicant's invention.

In view of the foregoing remarks and the amendments, Applicant respectfully submits that Claim 1-20 of the application are in allowable form and that the application is now in condition for allowance. If any outstanding issues remain, Applicant urges the Patent Office to telephone Applicant's attorney so that the same may be resolved and the application expedited to issue.

Respectfully submitted,

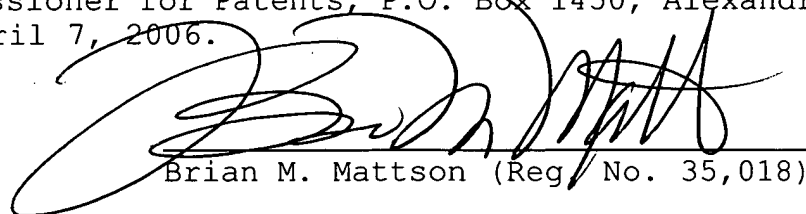


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**CERTIFICATE OF TRANSMISSION**

I hereby certify that this **Amendment** and **Return Receipt Postcard** are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 7, 2006.



Brian M. Mattson (Reg. No. 35,018)